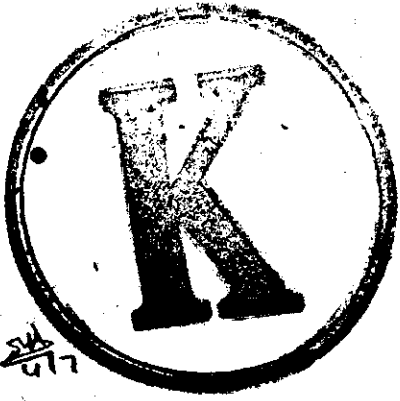


1952.



File No. O. Passports / 52

Legal Dept

A. BRANCH

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Subject:—Opinions under the Indian
Passports Act-1920

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1.

12114
23-7-1923.

Indian Penal Code ss. 181
and 182.
Re: Prosecution for false
statement for passport.

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12.8.50.
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Office of the R.L.A.

Prosecution for
false statement
for passport.

I.P.C.
Ss. 181 & 182.

The view taken by the Passport Office is correct. Passports to persons who go outside India are granted in exercise of the prerogative of the Crown (vide R.L.A.'s opinion No. 1296 dated the 9th February 1938; Digest of Opinions, page 883); and are not issued in exercise of any powers conferred by law. A prosecution under section 181, Indian Penal Code, would not in the circumstances be feasible. (See R.L.A.'s opinion No. 894-Conf., dated the 4th July 1947). However, a prosecution under section 182, Indian Penal Code, would have been feasible (See R.L.A.'s opinion No. 318-Conf., dated the 19th July 1947) and if possible, the appellate court should be requested to confirm the conviction by altering the charge to one under section 182.

Sd./-

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Remembrancer of Legal Affairs.

U.R. to Passport Office, No. 18114, dated the 23rd
July, 1952.

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